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IN THE
SUPREME COURT OF THE UNITED STATES

HERBERT W.G. CLANTON,

Petitioner,

-VS-

MICHIGAN DEPARTMENT
OF TRANSPORTATION et seq/al,
Departmental Director et seq/al,
Mr. Gary M. Mayes et seq/al,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI
To The United States Sixth Circuit Appeals Court
ORDERS

PETITION FOR WRIT OF CERTIORARI

HERBERT W.G. CLANTON
IN PROPRIA PERSONA
P.O. Box 6654
East Lansing, MI 48826
Phone: **NONE**

QUESTION FOR CONSIDERATION

Do the erroneous mandates of the EEOC et seq/al, justify unwarranted violations of the benefits, degrees of protection, and/or rights guaranteed the Petitioner et seq/et al pursuant to 28 USCA 2101 et seq, 28 USCA 1257 et seq, and/or the First Amendment of the United States Constitution et seq.

Are the false actions of the Michigan Department of Civil Right et seq, whereby resulting in erroneous mandates of the EEOC et seq/al being derived thereof, bases for violations of the legally binding orders and/or lawful judicial mandates of the Michigan Third Circuit Court et seq/al and/or the Hon. Isidore Torres et seq/al, said court proceedings being in total compliances with a minimum of Article IV(1) of the United States Constitution et seq?

Is it proper and/or appropriate for the United States Federal District Court et seq to institute immunity for the Respondents et seq/al, the Lansing Police Department et seq, Michigan Department of Transportation et seq/al, the Michigan Department of Civil Rights et seq, and/or the State Of Michigan et seq/al, when the Michigan Attorney General et seq/al under authority pursuant to MCLA 14.28 et seq, freely waived any and all elements of constitutional immunity and/or benefits as may be afforded by the Eleventh Amendment of the United States Constitution et seq?

Did the unwarranted failure(s) of the EEOC et seq/al to refer to the United States Department of Justice et seq/al the unwarranted violations of the degrees of protections being afforded Herbert W.G. Clanton et seq/al and/or this Petitioner et seq/al by a minimum of 18 USCA 241 et seq, 28 USCA 2101 et seq, and/or 28 USCA 1257 et seq, provide Herbert W.G. Clanton et seq and/or this Petitioner et seq/al with relevant benefits, degrees of protection, and/or rights guaranteed by the Fourteenth Amendment of the United States Constitution et seq?

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PARTES TO THE PROCEEDINGS

The Caption contains a minimum of the names of the Petitioners, The Michigan State Agency et seq/al, the Director et seq, and Gary M. Mayes et seq/al, and/or the Michigan Department of Transportation et seq/al.

CASES OF RELEVANCE TO WRIT

Herbert W.G. Clanton –v- Michigan Department of Civil Rights: Mich. 3Rd Circuit Court Docket No:03-335443-AW

Herbert W.G. Clanton –v- Michigan Department of Civil Rights: Mich. Claims Court Docket No:04-000195-MM

Herbert W.G. Clanton –v- Michigan Department of Civil Rights: Mich. Appeals Court Docket No:266447

Herbert W.G. Clanton –v- Michigan Department of Civil Rights: Mich. Appeals Court Docket No:259618

Herbert W.G. Clanton –v- Wayne Circuit Judge: Mich. Appeals Court Docket No:266447

Herbert W.G. Clanton –v- Michigan Department of Civil Rights: U.S. District Court Docket No:04-73454

Herbert W.G. Clanton –v- Michigan Department of Transportation: U.S. District Court Docket No:04-73456

Herbert W.G. Clanton –v- Michigan Department of Transportation Rights: U.S. 6TH Circuit Appeals Court Docket No:05-1794

REASON FOR GRANTING WRIT

THIS CASE INVOLVES FALSE ACTS AND/OR FRAUDULENT ACTIONS OF THE MICHIGAN DEPARTMENT OF CIVIL RIGHTS et seq/al, WHEREBY ERRONEOUS ACTIONS AND ILLEGAL CONDUCTS

ON THE PART OF THE UNITED STATES DEPARTMENT OF LABOR{EQUAL EMPLOYMENT OPPURTINUY COMISSION(a.k.a EEOC et seq/al)}, VIOLATED THE ORDERS AND DIRECTIVE OF THE MICHIGAN THIRD CIRCUIT COURT et seq/al, AND/OR THE LEGEALY BINDING JUDICIAL MANDATES OF THE HONORABLE ISIDORE TORRES et seq, WHEREBY RESULTING IN A MINIMUM OF UNWARRANTED VIOLATIONS OF BENEFITS, DEGREES OF PROTECTIONS, AND/OR RIGHTS GUARANTEED THE PETITIONER BY 28 USCA 2101 et seq, 28 USCA 1257 et seq, THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION, THE EQUAL PROTECTION CLAUSE OF THE CONSTITUTION AND THE DUE PROCESS CLAUSE OF THE CONSTITUTION.

CONCISE STATEMENT

The Michigan Department of Civil Right{ Atty. Mark C. Bishop(P59737)et seq/al}, was without authority to disregard the lawful orders, and/or legally binding judicial mandates of the Michigan Third Circuit Court/MCLA 600.504/MSA 27A.504 et seq, and/or the Hon. Isidore Torres et seq of December 5, 2003, see Appendix VIII. **AND** the U.S. Department of Labor{EEOC et seq/al}, unjustly failed to give this Petitioner et seq/al any degree of acknowledgements and/or the benefits of Constitutional Due Process Of Law regarding the then pending proceedings before the Michigan Third Circuit Court/MCLA 600.504/MSA 27A.504 et seq and/or the Hon. Isidore Torres et seq, wherein accordance with Title VII et seq. **The Respondents** et seq/al and the Respondents Attorney(s) et seq/al, the Michigan Department of Transportation et seq/al, the Lansing Police Department et seq/al, the Michigan Attorney General{ Atty., Michael A. Cox(P43039)et seq and/or Atty., Ron D. Robinson(P35927)et seq/al, pursuant to MCLA 14.28 et seq and/or MCLA 14.101 et seq }, and/or the State of Michigan et seq/al, in the Michigan Court Of Claims/MCLA 600.6404/MSA 27A.6404{Hon. Paula J.M. Manderfield presiding, see Article VI, Section 1 of the Michigan Constitution et seq }, have waived all immunity to suit in Federal District Court. see Mifsud v. Palisades Geophysical Institute, Inc., S.D.Tex.1980; 484 F.Supp. 159; see, also Knox v. Regents of University of Wisconsin, D.C.Wis.1975, 385 F.Supp. 886; Flores v. Norton & Ramsey Lines, Inc., D.C.Tex.1972, 352 F.Supp. 150.

DECISIONS BELOW

The decision and/or orders of the United States Sixth Circuit Court Of Appeals denying petition for reconsideration filed on March 24, 2006 is reproduced at Appendix I et seq.

The decision and/or orders of the United States Sixth Circuit Court Of Appeals denying Petitioner's Appeal Of Right and/or affirming dismissal of Petitioner Complaint, is reproduced at Appendix II et seq.

The decision and/or orders of the United States Federal District Court denying the petition for reconsideration, reproduced at Appendix III et seq.

The decision and/or orders of the United States Federal District Court dismissing the Petitioner's Complaint, is reproduced at Appendix IV et esq.

The decision and/or orders of the United States Federal District Court directing the Petitioner to show cause as to why the Petitioner's Complaint should not be dismissed, is reproduced at Appendix V et seq.

JURISDICTION

This United States Supreme Court is vested with a minimum of jurisdiction over this matter pursuant to 28 USCA 1257 et seq, and/or the Supremacy Clause{ Article III of the United States Constitution et seq }. see Gotthilf v. Sills, N.Y.1963, 84 S.Ct. 187, 375 U.S. 79, 11 L.Ed.2d 159; see Mississippi Power & light Co. v Mississippi (1988) 487 US 354, 101 l Ed 2d 322, 108 S.Ct. 2428; see Guy v Utecht (1944, CA8 Minn) 144 F2d 913, see Construction & General Laborers' Union v Curry (1963) 371 us 542, 9 L Ed 2d 514, 83 S Ct 531, 52 BNA LRRM 2188, 46 CCH LC 50730.

CONSTITUTION AND STATUTORY PROVISIONS AT ISSUE

The Federal Constitutional Provisions, at issue in the matter are the First Amendment of the United States Constitution et seq, the Eighth Amendment of the United States Constitution et seq, and/or the Fourteenth Amendment of the United States Constitution et seq. **The First**

Amendment of the United States Constitution et seq, provides in part:

> '**Congress shall make no law** respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging the freedom of speech**, or the press; **or the right of the people peaceably to assemble, and petition the Government for a redress of grievances.'**

AND, **The Fourteenth Amendment of the United States Constitution et seq, provides in part:**

> 'All persons born or naturalized in the united States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. **No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.'**

CONCLUSIONS

The erroneous federal mandates put forth by the United States Department of Labor{ Equal Employment Opportunity Commission[EEOC et seq/al]}, whereby making to United States Federal District Court{ see Article III of the United States Constitution et seq }, an unwarranted impairment to any and all rights of Herbert W.G. Clanton et seq/al and/or this Petitioner et seq/al to seek relevant and/or related reliefs pursuant to Article I, Section 13 of the Michigan Constitution{ see Article I, Section 1 of the Michigan Constitution et seq }. Do at a minimum constitute

unwarranted egregious violations of Herbert W.G. Clanton et seq/al and/or the Petitioner et seq/al benefits, degrees of protections, and/or rights guaranteed by a minimum of Article I, Section 17 of the Michigan Constitution et seq pursuant to 28 USCA 2101 et seq and/or 28 USCA 1257 et seq. see First Amendment of the United States Constitution et seq and/or see Fourteenth Amendment of the United States Constitution et seq. see Morales v. Turman, E.D.Tex.1971, 326 F.Supp. 667; see New York Times Co. v. Jascalevich, N.J.1978, 99 S.Ct. 6, 439 U.S. 1317, 58 l.Ed.2d 25, reapplication denied 99 S.Ct. 11, 439 U.S. 1331, 58 L.Ed.2d 38.

REASON FOR GRANTING THE WRIT

Supreme Court Rule 10.(c), list among the considerations governing review on certiorari the circumstances when a state court, or a United States Court of Appeals has decided an important question of federal law that has not been but should be settled by this court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court. see Pennsylvania v. Ritchie, Pa. 1987, 107 S.Ct. 989, 480 U.S. 39, 94 l.Ed.2d 40; see Mississippi Band of Choctaw Indians v Holyfield (1989) 490 US 30, 104 L.Ed 2d 29, 109 S Ct 1597.

CASE HISTORY

On August 11, 2003 the Michigan Department of Civil Rights et seq/al refused to allow this Petitioner to file a complaint against the Lansing Police Department et seq/al, and a complaint against Mr. Gary M. Mayes et seq/al of the Michigan Department of Transportation et seq/al. see Washington v. County of Rockland, C.A.(N.Y.) 204, 373 F.3d 310; see Osborn v. Pennsylvania-Delaware Service Station Dealers Ass'n D.C.Del. 1980, 499 F.Supp. 553.

On September 23, 2003 the Michigan Department of Civil Rights Appeals Division et seq/al, alleging that the Petitioner

et seq/al failed to meet standards for the filing of a complaint, and that the Petitioner's request for reconsiderations for the filing of a complaint was denied. see Boling v. National Zinc Co., N.D.Okla.1976, 435 F.Supp. 18. see, also, U.S. v. State Of Mich.,D.C.Mich.1978, 460 F.Supp. 637.

On December 5, 2003, with disregard to the pleading and proper concerns of the Petitioner et seq/al the Michigan Third Circuit Court/MCLA 600.504/MSA 27A.504 et seq and/or the Hon. Isidore Torres et seq, granted the request of the Michigan Department of Civil Rights et seq/al, and ordered the matters to be reopened under explicit conditions that the Michigan Third Circuit Court/MCLA 600.504/MSA 27A.504 et seq and/or the Hon. Isidore Torres et seq, maintained jurisdiction, and that all other matters where to be brought before the Michigan Third Circuit Court/MCLA 600.504/ MSA 27A.504 et seq and/or the Hon. Isidore Torres et seq. see Article IV(1) of the United States Constitution et seq. see Allegheny County v. Maryland Cas. Co., C.C.A.3 (Pa.) 1943. 132 F.2d 894, certiorari denied 63 S.Ct. 981, 318 U.S. 787, 87 L.Ed. 1154. see also, Flood v. Braaten, C.A.3. (N.J.) 1984 727 f.2D 303; Sun First Nat. Bank of Orlando v. Gainesville 75, Ltd., Ga.App. 1980, 270 S.E.2d 293, 155 Ga.App. 70.

On June 6, 2004 the U.S. Department of Labor{EEOC et seq/al}, informed the Petitioner that the Petitioner had Ninety(90) Days to file a civil suit in the United States Federal District Court et seq/al, or be forever barred for any and all manner of reliefs being relevant, related, contained therein, and/or being derived thereof. see Kougasian v TMSL, Inc. (2004, CA9 Cal) 359 F3d 1136.

On November 17, 2004 the Michigan Court Of Claims/MCLA 600.6404/MSA 27A.6404{ Hon. Paula J. Manderfield et seq presiding, see Article VI, Section 1 of the Michigan Constitution et seq }, pursuant to the false testimonial and/or fraudulent swearing of the Michigan

Attorney General et seq/al, in direct violation of the lawful orders and/or judicial mandates of the Michigan Third Circuit Court/MCLA 600.504/MSA 27A.504 et seq and/or the Hon. Isidore Torres et seq, erroneously directed that the Michigan Department of Civil Rights et seq/al was authorized to direct subject matters in regard to Herbert W.G. Clanton -v- Michigan Department of Civil Right; Michigan Third Circuit Court Docket No:03-335443-AW et seq; Michigan Department of Civil Rights Contact No:309841 et seq/al to the U.S. Department of Labor{EEOC 23A-2004-01116 et seq/al}. The Michigan Court Of Claims/MCLA 600.6404/ MSA 27A.6404{ Hon. Paula J. Manderfield et seq presiding, see Article VI, Section 1 of the Michigan Constitution et seq }, erroneously affirmed States actions in direct violations of the Fourteenth Amendment of the United States Constitution et seq, see Mitchell v Fishbein(2004, CA2 NY) 377 F3d 157, 94 BNA FEP Cas 458.

On December 17, 2004 the Herbert W.G. Clanton et seq/al and/or the Petitioner's did put forth oral arguments pursuant to Petitioner's Motion for Contempt{ see MCR 3.606 et seq }, in the matter of Herbert W.G. Clanton -v- Michigan Department of Civil Rights; Michigan Third Circuit Court Docket No:03-335443-AW et seq; Michigan Department of Civil Rights Contact No:309841 et seq/al. Said oral arguments were presented to the Michigan Third Circuit Court/MCLA 600.504/MSA 27A.504 et seq and the Hon. Isidore Torres et seq, disclosing the refusals of the Michigan Department of Civil Rights et seq/al to comply and/or obey lawful orders and/or judicial mandates of the Michigan Third Circuit Court/MCLA 600.504/MSA 27A.504 et seq and/or the Hon. Isidore Torres et seq. It is a statement of fact that on August 7, 2006, the person of Herbert W.G. Clanton et seq/al and/or this Petitioner et seq/al for the first time did obtain knowledge of said judgments and/or orders of the Michigan Third Circuit Court/MCLA 600.504/MSA 27A.504 et seq and/or the Hon. Isidore Torres et seq, pursuant supporting the

directives of the EEOC et seq/al regarding the authority of the United States Federal District Court et seq/al, and too any and all judicial authority to award and/or grant any and all degrees of relevant and/or related reliefs as may be afforded Herbert W.G. Clanton et seq/al, and/or this Petitioner et seq/al pursuant to 28 USCA 1331 et seq, 28 USCA 1343 et seq, 42 USCA 1983 et seq, 42 USCA 1985 et seq, 42 USCA 1986 et seq, Title VII et seq, by 28 USCA 2101 et seq and/or 28 USCA 1257 et seq. see Fourteenth Amendment of the United States Constitution et seq. see L.A.M. Recovery Inc. v Dep't of Consumer Affairs (2005, SD NY) 377 F Supp 2d 429.

REASONS FOR GRANTING CERTIORARI

The unwarranted mandated presence of the United States Federal District Court et seq/al, being derived for erroneous finding of the U.S. Department of Labor{EEOC et seq/al}, due too the fraudulent actions of the Michigan Department of Civil Right{Atty. Mark C. Bishop (P59737)et seq/al}, is set as the false legal standard(s) whereas to constitute unwarranted illegal regulation(s), and/or fraudulent restrictions whereas to erroneously impede any and all efforts of Herbert W.G. Clanton et seq and/or this Petitioner et seq/al to seek just resolution(s) for egregious violations of the benefits, degrees of protections, and/or rights guaranteed Herbert W.G. Clanton et seq/al and/or this Petitioner et seq/al by the Equal Protection Clause Of the Constitution et seq and/or the Due Process Clause Of the Constitution et seq. see Department of Motor Vehicles of State of Cal. V. Rios, Cal.1973, 93 S.Ct. 1019, 410 U.S. 425, 35 l.Ed.2d 398, on remand 509 P.2d 969, 9 C.3d 454, 107 Cal.Rptr. 784.

THE GRANTING, of the certiorari, a order directing a remand, and/or order directing a waiver of immunities erroneously granted the Respondent(s) et seq/al by the United States Federal District Court{ Hon. Author J. Tarnow et seq/al presiding, see 28 USCA 102(a)(1) et seq }, pursuant to

the Eleventh Amendment of the United States Constitution et seq/al, would begin to provide some means by which the person of Herbert W.G. Clanton et seq/al and/or this Petitioner et seq/al can at a minimum begin to put forth unimpeded Redress of Grievances' et seq/al before the United States Federal District Court{ see 28 USCA 102(a)(1) et seq }, pursuant to any and all relevant and/or related reliefs as may be afforded Herbert W.G. Clanton et seq/al, and/or this Petitioner et seq/al as can be afforded by a minimum of Title VII et seq, see 18 USCA 241 et seq, 18 USCA 242 et seq; *see U.S. v. City of Philadelphia, C.A.3(Pa.) 1980, 644 F.2d 187*, 18 USCA 1001 et seq; *see U.S. v. Lange, C.A.5 (La.) 1976, 528 F.2d 1280; U.S. v. Facchini, C.A.9 (Or.) 1987, 832 F.2d 1159, rehearing granted 851 F.2d 1221, on rehearing 874 F.2d 638;* 28 USCA 1331 et seq; *see Resolute Ins. Co. v. State Of N.C., D.C.N.C.1967, 276 F.Supp. 600, affirmed 397 F.2d 586 certiorari denied 89 S.Ct. 446, 393 U.S. 978, 21 L.Ed.2d 439* , 28 USCA 1343 et seq; *see Wisconsin Student Ass'n v. Regents of University of Wis., D.C.Wis.1970, 318 F.Supp. 591,* 28 USCA 2101 et seq and/or 28 USCA 1257 et seq. see First Amendment of the United States Constitution et seq, and/or the Fourteenth Amendment of the United States Constitution et seq. *see Atkins v. U.S., Ct.Cl.1977, 556 F.2d 1028, 214 Ct.Cl. 186 certiorari denied 98 S.Ct. 718, 434 U.S. 1009, 54 L.Ed.2d 751.*

REASONS FOR MANDAUS

The United States Federal District Court{ see 28 USCA 102(a)(1) et seq, the Hon. Author J. Tarnow et seq/al et seq presiding, see Article III of the United States Constitution et seq }, and/or Hon. Author J. Tarnow et seq/al et seq, unjustly filed to give recognitions to the fact that the Respondents et seq/al by way of their Legal Counsel{ the Michigan Attorney General et seq/al pursuant to MCLA 14.28 et seq }, did with full knowingly completely waived all conditions of Constitutional Immunity(s) et seq/al with prejudice. **WHEREFORE**, it does need to be made a matter of the

Federal District Court's record pursuant to all pursuit of any and all relevant remedies and/or related reliefs as may be afforded Herbert W.G. Clanton et seq/al, and/or this Petitioner et seq/al as can be afforded by a minimum of 28 USCA 2101 et seq, 42 USCA 1983 et seq, 42 USCA 1985 et seq, 42 USCA 1986 et seq, 28 USCA 1331 et seq, 28 USCA 1343 et seq, Title VII et seq, and/or 28 USCA 1257 et seq. see First Amendment of the United States Constitution et seq, and/or the Fourteenth Amendment of the United States Constitution et seq.

REASONS FOR SUPERINTENDING CONTROL

IN ACKNOWLEDGEMENT, of the fact that the lawful orders and/or legally binding judicial mandates of the Michigan Third Circuit Court/MCLA 600.504/MSA 27A.504 et seq and/or the Hon. Isidore Torres et seq, where not at said time legally overturned and/or set aside as demanded by the Due Process Clause of the Constitution et seq. see Fourteenth Amendment of the United States Constitution et seq.

IT IS THEN AT A MINIMUM APPROPRIATE, for this most Honorable United States Supreme Court et seq, to at a minimum partake of any and all degrees of authority as provided by Superintending Control Provisions of the Michigan Rule of Court{ see MCR 3.302 et seq(Michigan Circuit Court et seq), see MCR 7.203(C)(1) et seq(Michigan Appeals Court et seq), and/or see MCR 7.304 et seq(Michigan Supreme Court et seq)}, whereas to enforce any and all benefits, degrees of protections, and/or rights guaranteed Herbert W.G. Clanton et seq/al and/or this Petitioner et seq/al by the Equal Protection Clause Of the Constitution et seq and/or the Due Process Clause Of the Constitution et seq.

REASONS FOR IMMUNITIES

That this Petitioner et seq/al and/or Herbert W.G. Clanton et seq/al can make a complete and/or total disclosure of all

relevant facts and/or related matters on the part of the Michigan Department of Civil Rights et seq/al, the Michigan Department of Transportation et seq/al, the Lansing Police Department et seq/al, the Office Of the Michigan Attorney General et seq/al, the Michigan Department of Justice{ see Article VI, Section 1 of the Michigan Constitution et seq }, and/or the State Of Michigan et seq, which by direct acts and/or indirect actions constitute unwarranted violations of a minimum of the degrees of protections afforded the Petitioner et seq/al and/or Herbert W.G. Clanton et seq/al by a minimum of relevant and/or related Federal Statutes being defined at a minimum as Title VII et seq, 18 USCA 241 et seq, 18 USCA 242 et seq, Fourteenth Amend. U.S. Const., and/or 28 USCA 1257 et seq.. This Petitioner et seq/al does hereby request complete and/or total unconditional immunity from all charges being of a civil tort in nature and/or charges being of any criminal nature in regard to any and all past events, present events, and/or future events FORTHWITH et seq/al.

ARGUMENTS

The Petitioner having commenced Appellant Proceedings in the Michigan Third Circuit Court/MCLA 600.504/MSA 27A.504{ Hon. Isidore Torres presiding, see Article VI, Section 1 of the Michigan Constitution et seq }, in a timely and/or proper manner whereas to result in a lawfully binding directive of the Hon. Isidore Torres et seq/al which reads in part as:

> "— but the issues in terms of venue and everything else are still going to be before me.' **see line 22-24 of page 25 of transcripts Clanton v. Michigan Department of Civil Rights;3Rd Circuit Court Docket No:03-335443-AW.'**

AND LEGALY BINDING ORDERS, see Appendix IX et seq, neither of which have been legally reversed, lawfully dismissed, and/or justifiably overturned in accordance with constitutional due process.

The Michigan Department of Civil Rights{Attorney Mark Bishop(P59737) et seq/al }, having no legal justification(s), and/or without any lawful authority, did choose to egregiously dismiss the legal mandates and/or lawful orders of the Michigan 3RD Circuit Court/MCLA 600.504/MSA 27A.504 et seq/al and/or the Hon. Isidore Torres et seq/al, where Attorney Mark Bishop(P59737)et seq while knowingly concealing the legally binding orders and/or lawful judicial mandates form the EEOC et seq/al in direct violation of a minimum of Title VII et seq, 18 USCA 241 et seq, 18 USCA 242 et seq; *see U.S. v. Guest, U.S.Ga.1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed.2d 239,* Fourteenth Amend. U.S. Const., and/or 28 USCA 1257 et seq.. *see U.S. v. Tobon-Builes, C.A.11 (Fla.) 1983, 706 F.2d 1092, rehearing denied.*

WHEREFORE, it is at a minimum appropriate to acknowledge that the Michigan Department of Civil Rights et seq/al did illegally, unjustly and/or inappropriately divert matters regarding the Michigan Department of Civil Rights et seq, the Michigan Department of Transportation et seq, and the Lansing Police Department et seq too the EEOC et seq/al in direct violations of the legal mandates and/or lawful orders of the Michigan 3RD Circuit Court/MCLA 600.504/MSA 27A.504 et seq/al and/or the Hon. Isidore Torres et seq/al, Title VII et seq, 18 USCA 241 et seq, 18 USCA 242 et seq, 18 USCA 1001 et seq, the Fourteenth Amendment of the United States Constitution et seq, and/or 28 USCA 1257 et seq. see Fifth Amendment of the United States Constitution et seq. see United States v De Diego (1975) 167 US App DC 252, 511 F2d 818.

WHERE WITHIN RECOGNTION, of the proceedings of the Michigan Court Of Claims/MCLA 600.6404/MSA 27A.6404 et seq the Hon. Paula J.M. Manderfield presiding, that reads in part as:

> **'Court--Hon. Manderfield:** So you're saying this his remedy was in federal court?
> **Atty Robinson(P35927)**:That's correct, Judge.
> **Court--Hon. Manderfield:** And he did not file it until after the, um, appeal period ran, and then he filed it in state court?
> **Atty Robinson(P35927)**: That's correct. He never pursued the – his – his appeal or the ability to file suit against the original respondent in this case, which was a state entity, in federal court.

It is a fact that Petitioner did, file timely in the U.S. Federal District Court. see First Amendment of the United States Constitution{ see Article VI(2) of the United States Constitution et seq }. see Florida v Mellon (1972) 273 US 12, 71 L Ed 511, 47 S Ct 265, 1 USTC 205, 6 AFTR 6416.

IT IS THEN AT A MINIMUM, unambiguous and clear that the Office Of the Michigan Attorney General{ via Atty. Robinson(P35927) et seq, pursuant to MCLA 14.28 et seq and/or 14.101 et seq }, did put forth a waiver of immunity(s) of the Eleventh Amendment of the United States Constitution et seq, as may have been afforded the Respondent(s) et seq/al, the Michigan Department Of Transportation et seq/al, and/or the State Of Michigan et seq/al . see Will v. Michigan Dept. of State Police, 109 S.Ct. 2304, 491 U.S. 58, 105 L.Ed.2d.45.

It would be at a minimum appropriate for this United States Supreme Court et seq to reinstate the total waiver of any and all immunity as may be provided by the Eleventh Amendment of the United States Constitution et seq/al, regarding the Michigan Department of Transportation et seq/al and/or the States Of Michigan et seq, when the Michigan Attorney General et seq/al under authority pursuant to MCLA 14.28 et seq and/or 14.101 et seq, did freely waive any and all elements of constitutional immunity and/or benefits as may be afforded by the Eleventh Amendment of the United States Constitution et seq/al. *see Bird v. Detroit, G. H. & M.R. Co.(1909) 157 Mich. 144, 121 NW 814.*

NEVER DISMISSING THE FACT, that when Michigan Department of Civil Rights{Attorney Mark Bishop(P59737) et seq acting et seq/al }, illegally choose to dismiss the legal mandates and/or lawful orders of the Michigan 3RD Circuit Court/MCLA 600.504/MSA 27A.504 et seq/al and/or the Hon. Isidore Torres et seq/al, and inappropriately demand that the EEOC et seq/al illegally address those matters that the Michigan 3RD Circuit Court/MCLA 600.504/MSA 27A.504 et seq/al and/or the Hon. Isidore Torres et seq/al, made unambiguous judicial mandates, nonerroneous lawful orders, and/or clear instructions whereby receiving all benefits of Article IV(1) of the United States Constitution et seq. see Johnson v. Muelberger, U.S.N.Y. 1951, 71 S.Ct. 474, 340 U.S. 581, 95 L.Ed. 552.

The fact that the EEOC et seq/al unjustly failed to give recognition to the lawful orders put forth by the Michigan 3RD Circuit Court/MCLA 600.504/MSA 27A.504 et seq/al and/or the Hon. Isidore Torres et seq/al, does at a minimum define where findings and/or directives of the EEOC et seq/al do at a minimum constitute unwarranted egregious violations of the Equal Protections Clause of the Constitution{see Article I, Section 2 of the Michigan Constitution et seq, see Article I, Section 3 of the Michigan

Constitution et seq, see Article I, Section 5 of the Michigan Constitution et seq, see Article I, Section 13 of the Michigan Constitution et seq, see Article I, Section 12 of the Michigan Constitution et seq, see Article I, Section 16 of the Michigan Constitution et seq, see Article I, Section 17 of the Michigan Constitution et seq, see Article I, Section 23 of the Michigan Constitution et seq, see Article XI, Section 5 of the Michigan Constitution et seq, see First Amendment of the United States Constitution et seq, see Fourth Amendment of the United States Constitution et seq, see Eighth Amendment of the United States Constitution et seq, and/or see Fourteenth Amendment of the United States Constitution et seq}, and/or the Due Process Clause of the Constitution { see Article I, Section 3 of the Michigan Constitution et seq, see Article I, Section 5 of the Michigan Constitution et seq, see Article I, Section 13 of the Michigan Constitution et seq, see Article I, Section 16 of the Michigan Constitution et seq, see Article I, Section 17 of the Michigan Constitution et seq, see Article I, Section 23 of the Michigan Constitution et seq, see Article XI, Section 5 of the Michigan Constitution et seq, see First Amendment of the United States Constitution et seq, see Fifth Amendment of the United States Constitution et seq, see Eighth Amendment of the United States Constitution et seq, and/or see Fourteenth Amendment of the United States Constitution et seq}. see 42 USCA 2000e-7 et seq; see Local 246, Utility Workers Union of America, AFL-CIO v. Southern California Edison Co., C.D.Cal. 1970, 320 F.Supp. 1262; Torres v. Caribbean Forms Mfr., D. Puerto Rico 2003, 286 F.Supp.2d 209, affirmed and remanded 399 F.3d 52.

It was completely inappropriate for the United States Department of Labor{ EEOC et seq/al }, too fail to afford Herbert W.G. Clanton et seq/al and/or this Petitioner et seq/al the benefits, degrees of protections, and/or rights guaranteed by a minimum of the Equal Protections Clause of the Constitution et seq and/or the Due Process Clause of the Constitution et seq as mandated by a minimum of Title VII et

seq. see Fourteenth Amendment of the United States Constitution et seq. *see Equal Employment Opportunity Commission v. Murphy Motor Freight Lines, Inc., D.C.Minn.1980, 488 F.Supp. 381.* Whereupon it is the beliefs of the Petitioner et seq/al that with a completely and total asselumations of all relevant and/or related facts, which are subjected to a timely and/or proper investigation by individuals and agencies being duly authorized to enforce, a minimum of Federal Statutes as defined by Title VII et seq, 18 USCA 241 et seq, 18 USCA 242 et seq, 18 USCA 1001et seq, the Fourteenth Amendment of the United States Constitution et seq, and/or 28 USCA 1257 et seq.. see Fourteenth Amendment of the United States Constitution et seq. see U.S. v Stokes(1975, CA5 Ga) 506 F2d 771.

Then the Petitioner et seq/al who is the a victim of the Respondents et seq/al, egregious violations of the degrees of protections as afforded by 18 USCA 241 et seq, 18 USCA 242 et seq, 18 USCA 1001 et seq, and/or Title VII et seq, can attempt to begin to enjoy the benefits, and/or degrees of protections of law being at a minimum defined by Title VII et seq, 18 USCA 241 et seq, 18 USCA 242 et seq, 18 USCA 1001 et seq, 42 USCA 1983 et seq, 42 USCA 1985 et seq, 42 USCA 1986 et seq, 28 USCA 1331 et seq, and/or 28 USCA 1343 et seq. see Fourteenth Amendment of the United States Constitution et seq. see Catlette v United States (1943, CA4 W Va) 132 F2d 902; Lynch v United States (1951, CA5 Ga) 189 F2d 476, cert den (1951) 342 US 831, 96 L Ed 629, 72 S Ct 50.

MICHIGAN THIRD CIRCUIT COURT REASONING

The judicial proceedings of the Michigan 3RD Circuit Court/MCLA 600.504/MSA 27A.504{ Hon. Isidore Torres presiding, see Article VI, Section 1 of the Michigan Constitution et seq }, contrary to the pleading and/or concerns of Herbert W.G. Clanton et seq/al and/or this Petitioner et seq/al granted the request of the Michigan

Department of Civil Rights et seq/al and/or Michigan Attorney General et seq/al, whereupon the Michigan Department of Civil Rights et seq/al was ordered to reopen proceedings and/or allow the Petitioner et seq/al and/or Herbert W.G. Clanton et seq/al to file a complaint. see Appendix IX et seq. see Article I, Section 2 of the Michigan Constitution et seq, see Article I, Section 3 of the Michigan Constitution et seq, see Article I, Section 13 of the Michigan Constitution et seq, Article I, Section 17 of the Michigan Constitution et seq, see Article XI, Section 5 of the Michigan Constitution et seq, see First Amendment of the United States Constitution et seq, see Fourth Amendment of the United States Constitution et seq, see Fifth Amendment of the United States Constitution et seq, and/or see Fourteenth Amendment of the United States Constitution et seq. see California Motor Transport Co. v. Trucking Unlimited, U.S.Cal.1972, 92 S.Ct. 609, 404 U.S. 508, 30 L.Ed.2d 642.

IT IS A STATEMENT OF FACT, that the Michigan Department of Civil Rights et seq/al has never abided by the orders of the Michigan 3RD Circuit Court/MCLA 600.504/ MSA 27A.504{ Hon. Isidore Torres presiding, see Article VI, Section 1 of the Michigan Constitution et seq }, and/or the judicial mandates of the Hon. Isidore Torres et seq/al. see Article IV(1) of the United States Constitution et seq and/or see Fourteenth Amendment of the United States Constitution et seq. see State of Minnesota v. Northern Securities Co., U.S.Minn.1904, 24 S.Ct. 598, 194 U.S. 48, 48 L.Ed. 870.

It appears that on or about the date of December 17, 2004 that the Michigan 3RD Circuit Court/MCLA 600.504/MSA 27A.504{ Hon. Isidore Torres presiding, see Article VI, Section 1 of the Michigan Constitution et seq }, dismissed with prejudice the case of Herbert W.G. Clanton –v- Michigan Department of Civil Rights: Michigan Third Circuit Court docket No:03-335443-MM; Michigan

Department of Civil Right Contact No:309841, pursuant to claims of the Michigan Attorney General/MCLA 14.28/MCLA 14.29{ see MCLA 14.101 et seq }, that the United States Federal District Court et seq was the proper forum to resolve Petitioner allegations and/or complaints; see Seventh Amendment of the United States Constitution; see Lyon v Mutual Ben. Health & Acci. Asso. (1939) 305 US 484, 83 L Ed 303, 59 S Ct 297, reh den (1939) 306 US 667, 83 L Ed 1062, 59 S Ct 459. see First Amendment of the United States Constitution et seq, and/or see Fourteenth Amendment of the United States Constitution et seq. see Schick v United States (1904) 195 US 65, 49 L Ed 99, 24 S Ct 826.

FEDERAL EEOC REASONING

The United States Department of Labor{ Equal Employment Opportunity Commission et seq/al }, for reasons unknown refused to give any recognition to the person of Herbert W.G. Clanton et seq/al and/or this Petitioner et seq/al rights to file a complaint, disclose relevant and/or related facts, and/or honor and respect the lawful orders and/or binding judicial mandates of the Michigan 3RD Circuit Court/MCLA 600.504/MSA 27A.504{ Hon. Isidore Torres presiding, see Article VI, Section 1 of the Michigan Constitution et seq }, and/or the Hon. Isidore Torres et seq/al. Article I, Section 2 of the Michigan Constitution et seq, see Article I, Section 3 of the Michigan Constitution et seq, see Article I, Section 13 of the Michigan Constitution et seq, Article I, Section 17 of the Michigan Constitution et seq, see Article XI, Section 5 of the Michigan Constitution et seq, see First Amendment of the United States Constitution et seq, see Fourth Amendment of the United States Constitution et seq, see Fifth Amendment of the United States Constitution et seq, and/or see Fourteenth Amendment of the United States Constitution et seq. see Moody v. McDaniel, D.C.Miss.1960, 190 F.Supp. 24.

The unwarranted Federal mandates of the United States Department of Labor{ Equal Employment Opportunity Commission et seq/al }, which at a minimum reads as:

> **'UPON RECEIPT OF THE DISMISSAL AND NOTICE OF RIGHTS IT IS IMPERATIVE THAT YOU FILE SUIT IN THE UNITED STATES DISTRICT COURT WITHIN NINETY (90) DAYS OF RECEIPT, FAILURE TO DO SO WILL RESULT IN YOUR LOSS OF RIGHT TO PROCEED IN COURT.** ..... Re Herbert Clanton v. Michigan Department of Transportation Charge No.:23A-2004-01116(May 27, 2004), s/Daron L. Calhoun(EEOC) et seq/et al.'

AND,

> 'The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made No finding is made as to any other issues that might be construed as having been raised by this charge.----------
> Your lawsuit must be filed **WITHIN 90 DAYS** from your receipt of this Notice; otherwise your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)
> ' .....see U.S. Equal Employment Opportunity Commission Dismissal and Notice of Right, James R. Neely, Jr., Director. et seq. 06/09/04

WHEREAS-to direct that Petitioner et seq/al and/or Herbert W.G. Clanton et seq/al must commence proceedings in the

United States Federal District Court et seq, do not provide any limits as to the Regress of Grievances pursuant to 28 USCA 1331 et seq, 28 USCA 1343 et seq, 42 USCA 1983 et seq, 42 USCA 1985 et seq, 42 USCA 1986 et seq, and/or Title VII et seq. see First Amendment of the United States Constitution et seq, see Fourth Amendment of the United States Constitution et seq, see Fifth Amendment of the United States Constitution et seq, and/or see Fourteenth Amendment of the United States Constitution et seq. see Westinghouse Elec. Corp. v. State of Md. Commission on Human Relations, D.C.Md.1981, 520 F.Supp.539.

FEDERAL DISTRICT COURT REASONING

The United States Federal District Court{ Hon. Arthur J. Tarnow et seq/al presiding, see 28 USCA102(a)(1)(see Article III of the United States Constitution et seq)}, ordered that the Petitioner et seq/al is without standing to seek reliefs pursuant to directive of the United States Department of Labor{Equal Employment Opportunity Commission et seq/al}, wherein recognitions of the fact that the Respondents et seq/al, and/or the Michigan Department of Transportation et seq/al do enjoy alleged benefits afforded by the Eleventh Amendment of the United States Constitution et seq.

The United States Federal District Court{ Hon. Arthur J. Tarnow e seq/al presiding, see 28 USCA102(a)(1)[see Article III of the United States Constitution et seq }, erroneously denied Petitioner's motion for rehearing and/or reconsideration in pursuant to affirmations of egregious public policies of work place segregation and/or unwarranted violations of Michigan Elliott-Larsen Civil Rights Act et seq and/or Title VII et seq. see First Amendment of the United States Constitution et seq and/or see Fourteenth Amendment of the United States Constitution et seq.

FEDERAL APPEALS COURT REASONING

The orders of the United States Sixth Circuit Court of Appeals et seq, are as of such as to affirm the orders of the United States Federal District Court et seq and/or the Hon. Arthur J. Tarnow et seq/al.

IT IS THE BELIEFS, of the Petitioner that the findings of the United States Court of Appeals et seq, do constitute a minimum of error where the finding of the United States Court Of Appeals et seq do allow for undefined policies and ambiguous standards of the Michigan Department of Civil Rights et seq/al and/or the State Of Michigan et seq/al to rescind and renounce the benefits, degrees of protections, and/or rights guaranteed by the First Amendment of the United States Constitution{ see Article VI(2) of the United States Constitution et seq }.

IT IS THE UNDERSTANDING, of the Petitioner et seq/al that the finding and/or orders of the United States Sixth Circuit Court Of Appeals et seq, did further error where directly and/or indirectly endorsing the erroneous conducts of the United States Department of Labor{Equal Employment Opportunity Commission(EEOC et seq/al)}, whereas to result in unwarranted failures of the EEOC et seq/al to afforded Herbert W.G. Clanton et seq/al and/or this Petitioner et seq/al all benefits, degrees of protections, and/or rights guaranteed by a minimum of Title VII et seq, 18 USCA 241 et seq, 18 USCA 242 et seq, 18 USCA 1001 et seq, 42 USCA 1983 et seq, 42 USCA 1985 et seq, 42 USCA 1986 et seq, 28 USCA 1331 et seq, 28 USCA 1343 et seq, 28 USCA 2101 et seq, and/or 28 USCA 1257 et seq. see First Amendment of the United States Constitution et seq, and/or see Fourteenth Amendment of the United States Constitution et seq. see Lapides v. Board of Regents of University System of Georgia, 122 S.Ct. 1640, 152 L.Ed.2d 806, on remand 46 Fed.Appx. 617.

REASONS FOR GRATING REMAND

On January 4, 2006 the person of Herbert W.G. Clanton et seq and/or this Petitioner et seq/al while present at a work related meeting also were the persons of Mr. Gary Beasley{ Representative for members of the SEIU Union et seq }, Mr. Eric Oudsema{ Engineering Tech E12 Supervisor, MDOT et seq }, and the Petitioner et seq/al. During said meeting the person of Mr. Eric Oudsema{Engineering Tech E12 Supervisor, MDOT et seq}, admitted to being a witness and/or having knowledge of issues and subject matters regarding the matters of Herbert W.G. Clanton -v- the Michigan Department of Transportation; EEOC File No: 23A-2004-01116; Michigan 3RD Circuit Court Docket No: 03-335443-AW:Michigan Department of Civil Rights Contact No:309841 et seq/al. see Article I, Section 17 of the Michigan Constitution et seq. WHEREUPON, the person of Mr. Eric Oudsema{ Engineering Tech E12 Supervisor, MDOT et seq }, while in the presence of the person of Mr. Gary Beasley{ Representative for members of the SEIU Union et seq }, **DID MAKE PLEDGE**, to disclose all relevant information and/or facts in accordance with the required conditions of employment pursuant to MDCS Contact No:309841 et seq, and/or the Michigan Elliott-Larsen Civil Rights Act et seq,. see Article I, Section 2 of the Michigan Constitution et seq, see Article I, Section 17 of the Michigan Constitution et seq, and/or see Fourteenth Amendment of the United States Constitution et seq.

On February 8, 2006, Mr. Dennis Armistead{ MDOT Labor Relations Representative et seq/al}, with out any elements, proofs and/or legal evidence did erroneously force Herbert W.G. Clanton et seq/al into Forced Administrative Leave under the false allegations that Herbert W.G. Clanton et seq/al was alleged to have displayed undefined actions of alleged hostile behavior without reason, explanations, and/or probable cause. see Fifth Amendment of the United States Constitution et seq.

On May 3, 2006 during an illegal forced Administrative hearing of the Michigan Department of Transportation et seq/al initated by Mr. Dennis Aremistead{ MDOT Labor Relations Representative et seq/al}, the person of Herbert W.G. Clanton et seq and/or this Petitioner et seq/al while in the presence of Mr. Dennis Armistead{ MDOT Labor Relations Representative et seq/al}, Mr. Dennis Streeter{ Labor Relations Specialist, SEIU Local 517M et seq }, Cheryl Bollinger{ Executive Administrator Technical Division et seq/al}, and Mr. Leon Hank{Asst. Director MDOT et seq/al }, learned that it is reported by Mr. Dennis Armistead{ MDOT Labor Relations Representative et seq/al}, that on February 7, 2006 that the person of Mr. Eric Oudsema{ Engineering Tech E12 Supervisor, MDOT et seq }, did disclose to the person of Cheryl J. Strayhorn{ EEO Officer for MDOT et seq }, the intent(s) of Mr. Eric Oudsema{ Engineering Tech E12 Supervisor, MDOT et seq }, to disclose information and facts being requested by Herbert W.G. Clanton et seq/al and/or this Petitioner et seq/al being relevant to unwarranted conduct(s), erroneous act(s), and/or fraudulent actions by individuals, persons, authorities, agencies, and/or members of the Michigan Department of Transportation et seq/al whereas to conduct violations of a minimum of the benefits and/or degrees of protections afforded this Petitioner et seq/al by a minimum of Title VII et seq, 18 USCA 241 et seq, 18 USCA 242 et seq, Fourteenth Amend. U.S. Const., and/or 28 USCA 1257 et seq, and/or 28 USCA 1331 et seq, 28 USCA 1343 et seq, and/or Title VII et seq. see First Amendment of the United States Constitution et seq, see Fourth Amendment of the United States Constitution et seq, see Fifth Amendment of the United States Constitution et seq, see Sixth Amendment of the United States Constitution et seq, see Eighth Amendment of the United States Constitution et seq, and/or see Fourteenth Amendment of the United States Constitution et seq. see Morales v. Turman, E.D.Tex.1971, 326 F.Supp. 667.

On June 23 2006 Herbert W.G. Clanton and/or this Petitioner did obtain a copy of the erroneous allegations as a results of the fraudulent actions of Mr. Dennis Armistead {MDOT Labor Relations Representative et seq/al, JD et seq}, who against the wishes of this Petitioner et seq/al, knowingly illegally retain the allege medical services of Dr. Roland Braidly, resulting in fraudulent claims that read as follow(s):

> **'Mandatory evaluation of mental status. MDOT concerned about hostility, anger, "gun possession."' see Presenting Problem page 1 of Psychosocial History and Assessment, May 17, 2006.'**

It is the Petitioner's understanding and/or beliefs that these erroneous actions of the Michigan Department of Transportation et seq/al and/or the Respondent(s) et seq/al do constitute a minimum of violations of the benefits and/or degrees of protections afforded Herbert W.G. Clanton et seq/al and/or this Petitioner et seq/al by a minimum of MCLA 750.410A et seq, 18 USCA 241 et seq, and/or 18 USCA 242 et seq, see City of Greenwood, Miss v. Peacock, U.S.Miss.1966, 86 S.Ct. 1800, 384 U.S. 808, 16 L.Ed.2d 944. see Eighth Amendment of the United States Constitution et seq and/or see Fourteenth Amendment of the United States Constitution et seq. see Moore v. California Institute of Technology Jet Propulsion Laboratory, 275 F.3d 838.

On ly 5, 2006 against the wishes and/or the desires of the person of Herbert W.G. Clanton et seq/al and/or this Petitioner et seq/al was made a unwilling subject/victim of the **FLMA et seq/al**, at the expense and cost of Herbert W.G. Clanton et seq/al and/or this Petitioner et seq/al, see Eighth Amendment of the United States Constitution et seq, based upon the unwarranted designs and egregious hostile retaliatory actions of the Michigan Department of Transportation et seq/al and/or the Respondent(s) et seq/al, in violations of a minimum of the benefits, and/or degrees of

protections afforded Herbert W.G. Clanton et seq/al and/ot this Petitioner et seq/al by a minimum of 18 USCA 241 et seq and/or 18 USCA 242 et seq, see Peonage Cases, M.D.Ala.1903, 123 F. 671. see, also, Smith v. U.S., Mo.1907, 157 F. 721, 85 C.C.A. 353, certiorari denied 28 S.Ct. 569, 208 U.S. 618, 52 L.Ed. 647. see Heuer v. Weil-McLain, a Div. Of the Marley Co., 203 F.3d 1021. see Sixth Amendment of the United States Constitution et seq and/or see Fourteenth Amendment of the United States Constitution et seq. see APPENDIX IX et seq & APPENDIX VIII et seq

WHEREUPON, it is at a minimum appropriate to find that the unwarranted actions and/or fraudulent conducts of the Respondent(s) et seq/al do at a minimum constitute unwarranted actions of Fraud and/or Collusion et seq/al, are without benefits of Article IV(1) of the United States Constitution et seq and/or without any benefits and/or degrees of protections of the Eleventh Amendment of the United States Constitution et seq.

WHEREFORE, the Respondent(s) et seq/al are found to be without the benefits of Article IV(1) of the United States Constitution et seq, the Respondent(s) et seq/al are without benefits and/or degrees of immunities afforded by the Eleventh Amendment of the United States Constitution et seq.

THEREUPON, it would be at a minimum appropriate to grant the Petition for Remand et seq/al FORTHWITH, pursuant to affording the person of Herbert W.G. Clanton et seq/al and/or this Petitioner et seq/al any and all benefits, degrees of protections, and/or rights guaranteed by a minimum of Title VII et seq, 18 USCA 241 et seq, 18 USCA 242 et seq, 18 USCA 1001et seq, the Fourteenth Amendment of the United States Constitution et seq, and/or 28 USCA 1257 et seq., and/or 28 USCA 1331 et seq, 28 USCA 1343 et seq, Title VII et seq, the Equal Protections Clause of the

Constitution et seq/al, and/or the Due Process Clause of the Constitution et seq/al. see First Amendment of the United States Constitution et seq, see Fourth Amendment of the United States Constitution et seq, see Fifth Amendment of the United States Constitution et seq, see Sixth Amendment of the United States Constitution et seq, see Eighth Amendment of the United States Constitution et seq, and/or see Fourteenth Amendment of the United States Constitution et seq.

PETITION FOR LEGAL ASSISTANCE

That this Petitioner being of limited resources, may better exact a Writ For Certiorari, this Petitioner et seq/al does request of this most Honorable United States Supreme Court et seq/al any and all manner of legal assistance this court deems fit.

PETITION TO PRACTICE

That this most honorable United States Supreme Court may give more direct Judicial Review(s) of the critical elements of the Petition For Writ Of Certiorari, this Petitioner does request that this United States Supreme Court et seq/al will grant to this Petitioner the chance to put forth oral statements by way of being awarded the right to practice before this Honorable United States Supreme Court et seq/al.

PETITION TO RELAX THE RULES

That this Petitioner may better exact a Writ For Certiorari, this Petitioner et seq/al does request of this most Honorable United States Supreme Court et seq/al grant any and all manner of Relaxation Of The Rules of the United States Supreme Court et seq, that this court deems fit.

ACKNOWLEDGMENTS OF PROOFS OF SERVICE

Documents and statements defined as proofs of service of copy of Certiorari Petition to the Respondents et seq/al via United States Postal Certified Mail{ _____ }.

APPENDIX I

No. 05-1794
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

HERBERT W.G. CLANTON,

Plaintiff-Appellant

v.

MICHIGAN DEPARTMENT OF TRANSPORTATION; GARY M. MAYES,

Defendants-Appellees.

ORDER

Before: SUCHRHEINRICH and GRIFFIN, Circuit Judges; HOOD, Chief District Judge.

Herbert W.G. Clanton has filed a petition for rehearing of this court's order filed January 26, 2006, affirming the district court's order dismissing his civil complaint.

Upon, Careful consideration, this panel concludes that it did not misapprehend or overlook any point of law or fact when it issued its order. Fed. R. App. P. 40(a).

The petition for rehearing is thus DENIED.

ENTERED BY ORDER OF THE COURT

ss//Leonard Green(clerk).

APPENDIX II

No. 05-1794

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

HERBERT W.G. CLANTON, Plaintiff-Appellant,	ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN
v.	
MICHIGAN DEPARTMENT OF TRANSPORTATION; GARY M. MAYES, Defendants-Appellees.	

Before: SUCHRHEINRICH and GRIFFIN, Circuit Judges; HOOD, Chief District Judge.

Herbert W.G. Clanton, a Michigan resident proceeding pro se, appeals the dismissal of his civil complaint. This case has been referred to a panel of the court pursuant to Rule 34(j)(1), Rules of the Sixth Circuit. Upon examination, this panel unanimously agrees that oral arguments is not needed. Fed., R. App. P. 34(a).

Clanton filed a complaint styled as "Grievances Petition" pursuant to 42 USC 1983 against his employer, the Michigan Department of Transportation(MDOT) AND HIS

SUPERVISOR AT mdot, Gary M. Mayes. The pleading reflect that Clanton intended to challenge Mayes's alleged abuse of his power which resulted in unjust job threats and disciplinary actions. Because Clanton failed to include any factual inferences in his pleading and failed to identify the pleading as a complaint, MDOT filed a motion for a more definite statement. Clanton responded by submitting a transcript from a different civil proceeding. The district court issued an order directing Clanton to show cause as to why the case should not be dismissed on Eleventh Amendment immunity principles or, in the alternative, why the case should not be dismissed for his failure to state a claim upon which relief could be granted. Clanton responded and the district court described Clanton's response as alleging that MDOT had "waived its Eleventh Amendment immunity by failing to follow a state court order making EEOC standards binding upon state agencies." The district court dismissed the case because, while Clanton named Mayes in the complaint, the real party in interest is MDOT, which is immune from suit. The district court also dismissed the case because, after being given an opportunity to clarify his claims, Clanton failed to allege specific supporting facts. Clanton then filed a motion for reconsideration, which the district court denied. Clanton now appeals.

Whether a district court correctly dismissed a suit for failure to state a claim is a question of law subject to de novo review. *See Sistrunk v. City of Strongsville, 99 F.3d 194, 197(6th Cir. 1996).* The Court Must construe the complaint in a light most favorable to the plaintiff, accept all the factual allegations as true, and determine whether the plaintiff undoubtedly can prove no set of facts in support of his claim that would entitle his to relief. See id. "Generally, a district court may not sua sponte dismiss a complaint where the filing has been paid unless the court gives the plaintiff the opportunity to amend the complaint." Apple v. Glenn, 183 F.3d 477, 479 (6th Cir. 199). "[A] district court faced with a

complaint which it believes may be subject to dismissal must: (1) allow service of the complaint upon the defendant; (2) notify all parties of its intent to dismiss the complaint; (3) give the plaintiff a chance to either amend his complaint or respond to the reasons stated by the district court in its notice of intended sua sponte dismissal; (4) give the defendant a chance to respond or file an answer or motion; and (5) if the claim is dismissed, state its reason for the dismissal.' *Tingler v. Marshall, 716 F.2d 1109, 1112(6th Cir. 1983).*

Prior to dismissing the complaint, the district court gave Clanton the opportunity to clarify his claims and notified his that his complaint would be dismissed if he failed to do so. Nonetheless, Clanton failed to further explain his claims. Clanton's claims also failed because a suit filed by a public employee under 42 USCA 1983 alleging an unlawful employment practice must be dismissed. *See Great Am. Fed. Sav. & Loan Ass'n v. Novotny, 442 U.S. 366, 370-78 (1979).* Such a claim is cognizable only in Title VII action. *Id.* Finally, Clanton's 42 USCA 1983 claim fails because Michigan is immune from suit for money damages. See Will v. Michigan Dep't of State Police, 491 U.S. 58, 71 & n.10(1989). Consequently, Clanton failed to state a claim upon which relief may be granted.

For the foregoing reasons, the district court's judgment is affirmed to Rule 34(j)(2)(C), Rule of the Sixth Circuit.

ENTERED BY ORDER OF THE COURT

ss//Leonard Green(clerk)

APPENDIX III

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HERBERT W.G. CLANTON,

Petitioner,

v. Case No. 04-73456

MICHIGAN DEPARTMENT OF TRANSPORTATION, et al., Hon. Arthur J. Tarnow U.S. District Judge

Respondents.
_____/

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

On April 21, 2005, the Court entered an order dismissing the case based upon Eleventh Amendment immunity and failure to state a claim. Plaintiff has filed a motion for reconsideration, essentially restating arguments made in prior briefs. For the reasons stated in the Court's April 21st order, Plaintiff motion for reconsideration is **DENIED**.

IT IS SO ORDERED.

S/ARTHUR J. TARNOW
Arthur J. Tarnow
United States District Judge

Dated: May 6, 2005

I certify that I have served Counsel of Record by electronic and/or ordinary mail.

s/Kendra Byrd
Kendra Byrd, Deputy Clerk

APPENDIX IV

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HERBERT W.G. CLANTON,

Petitioner,

v. Case No. 04-73456

MICHIGAN DEPARTMENT OF TRANSPORTATION, et al., Hon. Arthur J. Tarnow U. S. District Judge

Respondent.

/

ORDER OF DISMISSAL

Plaintiff, Herbert W.G. Clanton, filed a pro se complaint on September 3, 2004. As best the Court can discern, Plaintiff complains of some type of workplace harassment and retaliation for complaining. He also alleges that Defendant, the Michigan Department of Transportation, made false and misleading statements to the Equal Employment Opportunity Commission(EEOC) and interfered with his access to the courts. On January 5, 2005, Defendant filed a motion for a more definite statement. Plaintiff responded by attaching a portion of a transcript of a proceeding before the Michigan Court Of Claims. The response did not assist Defendant or this Court in understanding the specific allegations being made by the Plaintiff. The Court, therefore, issued an order on March 28, 2005, directing Plaintiff to show cause why his case should not be dismissed based on the Eleventh Amendment immunity and failure to state a claim.

Plaintiff responded to show cause order on April 15, 2005. The response is difficult to decipher. Based on the Court's interpretation, he argues that the Defendant waived its Eleventh Amendment immunity by failing to follow a state court order making EEOC standards binding upon states agencies.

The Eleventh Amendment of the United States Constitution bars a federal lawsuit against a state or one of its agencies unless the state waived its immunity or Congress has elected to override that immunity. *Will v. Mich. Dep't of State Police, 49 U.S. 58, 66(1989).* In will, the Supreme Court stated that Congress, in enacting 42 USCA 1983, had no such intent. Id. Eleventh Amendment immunity is a jurisdictional bar. *Pennhurst State Sch. & Hosp. v. Halderman, 465 U.S. 89, 100(1984).*

Defendant is a state agency, See, e.g., MCLA 16.104 & 37.251(d). Although Clanton also named an individual, Gary M. Mayes, in his complaint, it is clear that the Department of Transportation is the real party in interest. Defendant has made no indication that it waived its immunity. Thus, this Court lacks subject matter jurisdiction. Even if the Court could assert jurisdiction over this case, it would conclude that Plaintiff has failed to state a claim. Having been give a second opportunity to clarify his claims, Plaintiff has failed to allege specific facts to support theories of workplace discrimination and retaliation. Therefore, his complaint is DISMISSED.

IT IS SO ORDERED

ss// Arthur J. Tarnow
United States District Judge

APPENDIX V

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HERBERT W.G. CLANTON,

Petitioner,

v. Case No. 04-73456

MICHIGAN DEPARTMENT OF TRANSPORTATION, et al., Hon. Arthur J. Tarnow U.S. District Judge

Respondent.
_____/

ORDER DIRECTING PLAINTIFF TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED

Plaintiff, Herbert W.G. Clanton, filed a pro se complaint on September 3, 2004 alleging workplace harassment and retaliation. He also alleges that Defendant made false and misleading statements to the EEOC and interfered with his access to the courts. On January 5, 2005, Defendant filed a motion for a more definite statement. Plaintiff's response is a portion of a transcript of a proceeding before the Michigan Court of Claims. The response does not assist Defendant or this Court in understanding the specific allegations being made by the Plaintiff. Moreover, the Court is concerned that this suit may be barred by the Eleventh Amendment of the United States Constitution. The Eleventh Amendment bars a federal lawsuit against a state or one of its agencies unless the state has waived its immunity or Congress has elected to

override that immunity. *Will v. Mich. Dep't of States Police, 491 U.S. 58, 66(1989).*

Accordingly, Plaintiff is hereby directed to show cause, within twenty-one(21) days, why this case should not be dismissed due to (1) Eleventh Amendment immunity; and (2) failure to state a claim. Failure to timely respond to this order will result in dismissal.

IT IS SO ORDERED.

S/ARTHUR J. TARNOW
Arthur J. Tarnow
United States district Judge

Dated: Mar 28, 2005

APPENDIX VI

STATE OF MICHIGAN
IN THE
CIRCUIT COURT FOR THE COUNTY OF WAYNE

HERBERT W.G. CLANTON,
Petitioner, Wayne Circuit Court
No: 03-335443-MM
v Hon Isidore B. Torres

MICHIGAN DEPARTMENT OF CIVIL RIGHTS et al, MDCR No. 309841
Respondent.
_____/

ORDER GRANTING
MICHIGAN DEPARTMENT OF CIVIL RIGHTS
MOTION TO DISMISS

At a session of said Court in the City Of Detroit, County of Wayne, State of Michigan, on the Dec 17, 2004 day of December, 2004.

PRESENT: HON. ISIDORE B. TORRES
CIRCUIT COURT JUDGE

This matter having come before this Court on Petitioner's Motion for Contempt and Order to Show Cause; the Court having heard oral arguments from the parties; and the court being otherwise advised in the premises

IT IS HEREBY ORDEDRE that Petitioner, Herbert W.G. Clanton's Motion for Contempt and Order to Show Cause and Injunction is hereby dismissed with prejudice; This order resolves the last pending claim and closes the case.

s//**ISIDORE B. TORRES**
Circuit Court Judge

APPENDIX VII

STATE OF MICHIGAN
COURT OF CLAIMS

HERBERT W.G. CLANTON,
Petitioner, Court of Claims
No:04-000195-MM

v

Hon Paula J. Manderfield
MICHIGAN DEPARTMENT MDCR No. 309841
OF CIVIL RIGHTS et al,
Respondent.
_____/

Herbert W.G. Clanton
In Propria Persona
P.O. Box 6654
East Lansing, MI 48826

Michael A. Cox
Attorney General
Ron D. Robinson(P35927)
Assistant Attorney General
Attorney for Respondent
Cadillac Place Bldg., Ste 10-200
3030 W. Grand Blvd.
Detroit, Mi 48202
(313) 456-0200
_____/

ORDER GRANTING
MICHIGAN DEPARTMENT OF CIVIL RIGHTS
MOTION TO DISMISS

At a session of said Court in the City of Detroit, County of Ingham, State of Michigan on the 17 day of Nov, 2004.

PRESENT: HONORABLE PAULA J. MANDERFIELD
Circuit Court Judge

Respondent, Michigan Department of Civil Rights(MDCR), having filed its Motion to Dismiss Petitioner Herbert W.G. Clanton's "Declaration Of Grievance"(hereinafter referred to as Petitioner's Claim of Appeal), along with a brief in Support, Petitioner having failed to file a written response to the aforementioned motion, and the court having heard oral arguments on November 17, 2004 and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that, for reasons stated on the record, Respondent Michigan Department of Civil Rights Motion is GRANTED;

IT IS HEREBY ORDERED that the decision by the MDCR transferring Petitioner's civil rights complaint(MDCR No. 309841) to the United States Equal Employment Opportunity Commission (EEOC) on April 1, 2004 is Affirmed.

IT IS FURTHER ORDERED that Petitioner's Claim of Appeal is dismissed with prejudice.

This order resolves the last pending claim and closes the case.

ss.//**PAULA J.M. MANDERFIELD**
Hon. Paula J. Manderfield

APPENDIX VIII

STATE OF MICHIGAN
IN THE
CIRCUIT COURT FOR THE COUNTY OF WAYNE

HERBERT W.G. CLANTON,

Plaintiff,

Case No:03-335443-AW

-vs-

Michigan Dept. of Civil Rights,

Defendant,

_____/

At a session of said Court, held in the City-County Building, Detroit, Michigan, on December 5, 2003

PRESENT: HON. ISIDORE B. TORRES
CIRCUIT COURT JUDGE

ORDER

The mandamus Petition, Appellate Review and Appeal is hereby **DISMISS WITHOUT PREJUDICE;**

The Michigan Department of Civil Rights is ordered to reopen MDCR Contact No:309841 to consider claimants allegations of civil rights violations for the following dates; February 12, 2003; February 14, 2003, and June 4, 2003. Said reopening does not guarantee specific finding, and any finding is subject to the facts and applicable law, as determine by the investigation.

s//**ISIDORE B. TORRES**
Circuit Court Judge

APPENDIX IX

STATE OF MICHIGAN
DEPARTMENT OF CIVIL RIGHTS
DETROIT

JENNIFER M. GRANHOLM
GOVERNOR

NANETTE LEE REYNOLDS, Ed. D.
DIRECTOR

September 23, 2003

Mr. Herbert Clanton
P.O. Box 6654
East Lansing, MI 48826

MDCR Contact #: 309841
Responding Party: Michigan Department of Transportation
Complaining Party: Herbert Clanton

Dear Mr. Clanton:

On September 9, 2003, the department received your request for reconsideration of the decision no to accept a formal complaint from you.

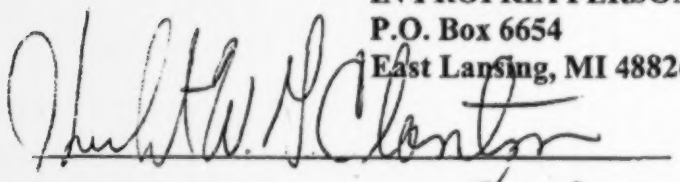
A re-examination of your file, including a review of any information you have provided, has confirmed that the issues you raised do not meet the department's requirements for filing a formal complaint. Your request for reversal of the department's decision no to accept a formal complaint from you is therefore denied.

You may appeal this final decision by the department on or before October 23, 2003, with a Circuit Court of the State of Michigan having jurisdiction as provided by law.

If you have any questions, please contact me.

s/Donna Paruszkiewicz
Rights Representative

RESPECTFULLY SUBMITTED
HERBERT W.G. CLANTON
DRAFTED BY: HERBERT W.G. CLANTON
IN PROPRIA PERSONA
P.O. Box 6654
East Lansing, MI 48826



DATE: 8, 12, 2006

"I, declare the foregoing and above is true to the best of my beliefs', informations, and/or knowledge(s)".